

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PING AN PROPERTY AND CASUALTY
INSURANCE COMPANY OF CHINA LTD.,
AS SUBROGEE OF CHINA INTERNATIONAL
FUND LTD.,

08 Civ. 3296 (VM)

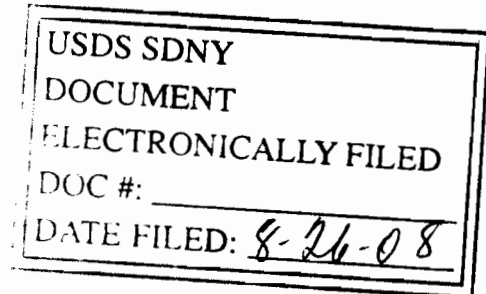
Plaintiff,

**AMENDED ORDER OF
DISCONTINUANCE**

-against-

HIGH SEAS SERVICOS MARITIMOS LDA,
BNAVI SHIP MANAGEMENT (INDIA)
PRIVATE LTD., and BNAVI S.P.A.,

Defendants.
-----X



VICTOR MARRERO, United States District Judge.

WHEREFORE, this Court issued a Conditional Order of Discontinuance on July 24, 2008, directing discontinuance of this action within thirty days, provided that plaintiff did not apply for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated; and

WHEREFORE the plaintiff has made no application for restoration of the action; and

WHEREFORE the Conditional Order of Discontinuance directed discontinuance of the action with prejudice; and

WHEREFORE the parties have now manifested their agreement that the action should be dismissed forthwith without prejudice and without costs.

IT IS HEREBY ORDERED that the Conditional Order of Discontinuance issued by this Court on July 24, 2008 is hereby vacated.

IT IS FURTHER ORDERED that this action is hereby dismissed without prejudice and without costs to either party.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: New York, New York
August 25, 2008

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above the printed name.

VICTOR MARRERO
U.S.D.J.